

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACK
ON SEPTEMBER 11, 2001

Civil Action No. 03 MDL 1570 (GBD)
ECF Case

This document relates to:

Burnett v. Al Baraka Inv. & Dev. Corp., 03-CV-9849

Euro Brokers, Inc. v. Al Baraka Inv. & Dev. Corp., 04-CV-7279

World Trade Ctr. Prop., LLC v. Al Baraka Inv. & Dev. Corp., 04-CV-7280

**ABDUL HAMID ABU SULAYMAN'S
NOTICE OF UNOPPOSED MOTION TO DISMISS**

PLEASE TAKE NOTICE that on August 23, 2007, Abdul Hamid Abu Sulayman, pursuant to Federal Rule of Civil Procedure 12(b)(6), filed a motion to dismiss the claims asserted against him in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Case No. 03-CV-9849 (RCC) ("*Burnett*"), *Euro Brokers, Inc. et al. v. Al Baraka Investment & Development Corp., et al.*, Case No. 04-CV-7279 ("*Euro Brokers*"), and *World Trade Center Properties LLC, et al. v. Al Baraka Investment & Development Corp., et al.*, Case No. 04-CV-7280 ("*WTC Properties*") on the grounds that allegations in the complaints failed to state a cognizable claim against him.

Plaintiffs' Opposition was due sixty days later, on October 22, 2007, although counsel for Mr. Abu Sulayman agreed to Plaintiffs' request for an extension of time to respond to the motion, until October 29, 2007.

Plaintiffs have not filed an opposition to Mr. Abu Sulayman's motion. Therefore, the Motion to Dismiss should be treated as conceded, and the claims against Mr. Abu Sulayman in *Burnett*, *Euro Brokers*, and *WTC Properties* should be dismissed with prejudice. *See, e.g. Qualis*

Care, L.P. v. Hall, No. 95 Civ. 4955 (BSJ), 1999 U.S. Lexis 13417 (S.D.N.Y. 1999) (treating Plaintiffs motion as unopposed because defendant failed to submit a brief in opposition).

Dated: December 18, 2007

Respectfully submitted,

DLA PIPER US LLP

By: /s/ Nancy Luque

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Certificate of Service

I hereby certify that on this 18th day of December, 2007, I caused an electronic copy of Abdul Hamid Abu Sulayman's Notice of Unopposed Motion to Dismiss to be served by the Court's electronic filing system upon all parties scheduled for electronic notice.

/s/ Steven K. Barentzen
Steven K. Barentzen (SB-8777)